



Costs Decision

Site visit made on 24 June 2019

by David Wyborn BSc(Hons), MPhil, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 July 2019

Costs application in relation to Appeal Ref: APP/G1250/W/18/3219249 Sandringham Mansions, 21-51 Exeter Road, Bournemouth BH2 5AF

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Sturry Investments Ltd for a full award of costs against Bournemouth Borough Council.
 - The appeal was against the refusal of planning permission for alterations and formation of a new 3rd floor level to premises to create an additional 6no. self-contained flats and the erection of a bin and cycle store.
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Decision

1. The application for an award of costs is refused.

Reasons

2. The Planning Practice Guidance advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The application is made on the basis that the Council had not given due weight to the previous residential permission on the site which had been assessed against both the then parking standard and the emerging parking supplementary planning document, both of which set the same parking requirements. The appellant makes the case that in the intervening period there had been no material change in parking demand and the reason for refusal was generic with little or no consideration given to the proposal or the site history. It is said that the Council have been inconsistent in their decision making which is unreasonable behaviour which has led to unnecessary and wasted expense.
4. I have not received a Council response to the costs claim. I have, therefore, examined the merits of the claim based on all the other information the Council has submitted to support the appeal and the advice in the National Planning Policy Framework and the Planning Practice Guidance.
5. The Council made their decision in accordance with Policy CS16 of the Bournemouth Local Plan Core Strategy (2012) which was supported by the adopted Parking - Supplementary Planning Document (2014) and the evidence of the Highway Authority. It was a matter of judgement as to whether other material considerations, including the lapsed permission for a broadly similar scheme, outweighed these matters. While I have come to a different view on the balance to be attributed to the various planning considerations, the Council's case was sufficiently detailed and cogent, and made in accordance

with a policy in the development plan, that their decision was not unreasonable.

6. As a result, it follows that I cannot agree that the Council has acted unreasonably in respect of this reason for refusal. As such, there can be no question that the applicant was put to unnecessary or wasted expense.

Conclusion

7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated and an award of costs is not justified.

David Wyborn

INSPECTOR